## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANTHONY OLIVE,	)
Plaintiff,	)
v.	CAUSE NO. 02-CV-945-WDS
DONALD SNYDER, et al.,	)
Defendants.	}

## JUDGMENT IN A CIVIL CASE

**DECISION BY COURT.** This matter is before the court on Report and Recommendation of United States Magistrate Judge Donald G. Wilkerson.

IT IS HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, the Court GRANTED defendants' motion for summary judgment (Doc. 77) and judgment is entered in favor of defendants Tom Caraway, Roger Cowan, Klint Gale, Gary Knop, Thomas Maue, Brad Meyerhoff, Lori Oakley, and Joseph C. Phoenix and against plaintiff, Anthony Olive, on plaintiff's claim of deliberate indifference to a serious risk of harm based upon conditions of his confinement. The Court FURTHER GRANTED defendants Keith Anderson, Tom Caraway, Roger D. Cowan, Klint Gale, Gary A. Knop, Thomas Maue, Brad Meyerhoff, Lori Oakley, and Joseph C. Phoenix's motion for summary judgment on the issue of qualified immunity and FINDS that the defendants are entitled to qualified immunity in defense of this action.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, the Court **DISMISSED** as **MOOT**, plaintiff's claims in Count 4 for emotional suffering and for declaratory and injunctive relief.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, the Court **DISMISSED** plaintiffs' claims against defendant

Keith Anderson on all grounds.1

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 23, 2009, Court sua sponte **DISMISSED** Unknown Parties John Doe 1, 2 and 3.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of the Court dated March 7, 2005, the Court DISMISSED without prejudice plaintiff's claims in Count 2 claiming a denial of due process challenging his disciplinary proceedings from the November 28, 2000, against defendants Robert E. Gales, C/O Phoenix, C/O Meyerhoff, Captain Oakley, Tom Caraway, Klint Gale, Minh T. Scott, Roger D. Cowan, Tom Carter, Leora Harry, Donald N. Snyder, Jr., Michael Baker, Dwayne Clark, Deputy Director Cooper, Gary A. Knop, Captain Lashbrook, Sandra Kibby Brown, and Superintendent Maue

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of March 7, 2005, the Court DISMISSED without prejudice plaintiff's claims in Count 3 against defendants Klint Gale, Leora Harry, Tom Caraway, C/O Phoenix, C/O Meyerhoff, Captain Oakley and Robert E. Gales, for violations of state law.

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that pursuant to the Order of March 7, 2005, the Court DISMISSED plaintiffs claims with prejudice against defendants Robert E. Gales, Minh T. Scott, Roger D. Cowan, Tom Carter, Leora Harry, Donald N. Snyder, Jr., Michael Baker, Dwayne Clark, Deputy Director Cooper, Captain Lashbrook, Sandra Kibby Brown, Eugene McAdory and B. Bravo.

Each party shall bear their own costs.

<sup>&</sup>lt;sup>1</sup>The parties have agreed that Keith Anderson is not the defendant Anderson the plaintiff intended to sue.

## JUSTINE FLANAGAN, ACTING CLERK

	BY:	s/Sandy Pannier
		Deputy Clerk
APPROVED:		
s/WILLIAM D. STIEHL	_	
U. S. District Judge		